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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,527	08/29/2001	Paul R. Mort III	7471	7803
27752	7590	04/28/2004		
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER HARDEE, JOHN R	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/914,527

Applicant(s)

MORT III, PAUL R.

Examiner

John R. Hardee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 22, 2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/12955. The reference discloses a process for producing free flowing detergent agglomerates. Starting materials are agglomerated in the presence of an inorganic double salt, which is preferably Burkeite (p. 4, lines 22+). This is done in a high speed mixer, and further agglomeration may take place in a low or moderate speed mixer, such as the Loedige "Ploughshare". The agglomerates may then be dried in a fluidized bed dryer (p. 5, lines 13-15). The starting materials most preferably include a surfactant in the form of a paste or the acid form of an anionic surfactant and dry detergent materials (p. 5, lines 1+). The surfactant most preferably comprises anionic surfactant (p. 7, lines 15-16). See Example I, in which the double salt is added as a sprayed

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aqueous solution. This reference differs from the claimed subject matter in that it does not disclose a method which reads on applicant's claims with sufficient specificity to constitute anticipation.

It would have been obvious at the time the invention was made to employ such a method, because this reference teaches that all of the steps recited by applicants are suitable for use in formulating an agglomerated surfactant composition. The person of ordinary skill in the surfactant art would expect the recited compositions to have properties similar to those compositions which are exemplified, absent a showing to the contrary. Regarding the newly added surface area limitations, the examiner takes the position that, where the materials and process limitations are the same as those found in the prior art, the same diminution of surface area will follow from following the steps which are disclosed in or obvious over the prior art.

4. Claims 10-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 057,611 A2. The reference discloses spray-dried or spray-cooled soap particles coated with water-soluble inorganic substances (abstract), wherein the soap particles may comprise up to 49% of other soap powder components such as detergency builders (p. 3, lines 12-18) and up to 15% by weight of other anionic surfactants (p. 4, lines 23-21). The water-soluble inorganics include oxides, carbonates, sulfates, percarbonates and metasilicates, especially the sodium and potassium salts. The examples employ a fluidized bed and spraying for coating. This reference differs from the claimed subject matter in that it does not disclose a method which reads on applicant's claims with sufficient specificity to constitute anticipation.

It would have been obvious at the time the invention was made to employ such a method, because this reference teaches that all of the steps recited by applicants are suitable for use in formulating an agglomerated surfactant composition. The person of ordinary skill in the surfactant art would expect the recited compositions to have properties similar to those compositions which are exemplified, absent a showing to the contrary. Regarding the newly added surface area limitations, the examiner takes the position that, where the materials and process limitations are the same as those found in the prior art, the same diminution of surface area will follow from following the steps which are disclosed in or obvious over the prior art.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 057,611 A2 in view of WO 97/12955. The references are summarized above. Use of Burkeite is not disclosed in the EP. However, it would have been obvious at the time the invention was made to use Burkeite in the process of the EP, because the EP discloses that carbonates and sulfates may be used, and the WO teaches that Burkeite, a double salt of carbonate and sulfate, is a useful builder in agglomerates surfactant particles.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (571) 272-1316.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Hardee', with a stylized flourish at the end.

John R. Hardee

Primary Examiner

April 21, 2004